IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M. No.36253-M of 2007

Date of Decision: 13.7.2007

Dalbir Saroha

....Petitioner.

Versus

State of Haryana and others.

...Respondents.

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Present:- Mr.U.K.Agnihotri, Advocate
for the petitioner.

**S.S.SARON, J.(ORAL)**

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The petition has been filed for issuance of directions to respondents No.2 and 3 to register a criminal case against respondents No.4 and 5 and to prosecute them in accordance with law.

After hearing the learned counsel for the petitioner and perusing the record, it may be noticed that a direction has already been issued by this Court on 20.11.2006 in Crl. Misc. No.72611-M of 2006 directing the SHO, Police Station Sadar Sonepat, to look into the complaint made by the petitioner and if during the investigation, the allegations are found to be false, then suitable action be taken against him.

During the course of hearing, the learned counsel for the petitioner has not been able to show nor has any material been placed on record to show that in case there has been inaction on the part of the incharge of the police station concerned he has approached the Superintendent of Police concerned as is the requirement of

Section 154 (3) Cr.P.C. It is envisaged therein that if any person is aggrieved by a refusal on part of an officer incharge of the police station to record the information referred to in sub Section (1) of Section 154 Cr.P.C. he may send the substance of such information, in writing and by post, to the Superintendent of Police concerned, who if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by the Code (Cr.P.C.), and such officer shall have all the powers of an officer in charge of the police station in relation to that offence. Therefore, in the event of refusal on the part of the officer in charge of the police station to record the information received by him in terms of Section 154(1) Cr.P.C. a reference can be made to the Superintendent of Police who is to record his satisfaction and then proceed further. Besides, the petitioner also has the remedy of filing a private complaint in terms of Section 190 read with Section 200 Cr.P.C. before a Magistrate having jurisdiction in the matter. The Magistrate is required to enquire into the complaint as provided for under Chapter XV Cr.P.C. He can also issue directions for investigation under Chapter XII Cr.P.C. and ask for submission of a report by the police. If after considering the matter in the opinion of the Magistrate there is no sufficient ground for proceeding, he is to dismiss the complaint by briefly according his reasons in terms of Section 203 Cr.P.C. Therefore, it would be premature to intervene at this stage and short circuit and circumvent the procedure provided under the Cr.P.C. by resort to the inherent jurisdiction

of this Court under Section 482 Cr.P.C. The petitioner, therefore, in the facts and circumstances of the case is liable to avail the said remedies in the first instance.

The present petition is, therefore, pre-mature and is accordingly disposed of.

**(S.S.SARON)**
July 13, 2007. **JUDGE**
**Reema**